

333 W. San Carlos Street Suite 600 San Jose, CA 95110-2731 408.975.7500 Fax 408.975.7501

## Fax Transmission

RECEIVED CENTRAL FAX CENTER MAY 1 1 2005

From:

Frank L. Bernstein

KENYON KENYON

Date:

May 11, 2005

Direct Dial:

408.975.7988

Fax:

408.975.7501

Client/Matter:

13309/5

Total number of pages:

(including cover)

Please deliver to:

Name	Company	Fax	Phone
Group Art Unit 3762	U.S. Patent and Trademark Office	703-872-9306	

Message:

Application No.

10/764,010

Confirmation No. 8938

Applicant

Eugene ALEXANDER et al.

Filed

January 22, 2004

Title

ASSESSING THE CONDITION OF A JOINT AND

**DEVISING TREATMENT** 

TC/A.U.

3762

Examiner

(Not yet assigned)

PAPER ENTITLED: Information Disclosure Statement

Form PTO/SB/08A

2 pages 1 page

Original will not follow	Original will follow by	Regular Mail	Overnight Delivery	Hand Delivery

The information contained in this facsimile transmission, including any attachments, is subject to the attorney-client privilege, the attorney work product privilege or is confidential information intended only for the use of the named recipient. If the reader of this Notice is not the intended recipient or the employee or agent responsible for delivering this transmission to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone, so that we may arrange for its return or destruction at our cost. Thank you.

New York Washington, DC Silicon Valley www.kenyon.com

# CENTRAL FAX CENTER MAY 1 1 2005

Patent

Attorney Docket No.: 13309/5

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/764,010

Confirmation No. 8938

Applicant

Eugene ALEXANDER et al.

Filed

: January 22, 2004

Title

: ASSESSING THE CONDITION OF A JOINT AND DEVISING

TREATMENT

TC/A.U.

: 3762

Examiner

: (Not yet assigned)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is an Information Disclosure Statement under 37 CFR §1.97(b)(3) with four (4) references listed on the attached PTO/SB/08A form. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed after three months of the filing date of the above-identified application and before the mailing date of the first Office Action on the merits.

P.03/04

Attorney Docket No. 13309/5

#### INFORMATION DISCLOSURE STATEMENT

KENYON KENYON

U.S. Application No. 10/764,010

If any fee is required, the Office is hereby authorized to charge any fees, or credit any overpayments under 37 CFR §1.17(p) to Kenyon & Kenyon, Deposit Account No. 11-0600.

> Respectfully submitted, KENYON & KENYON

Dated: May 11, 2005

Frank L. Bernstein Reg. No. 31,484

**KENYON & KENYON** 333 West San Carlos St., Suite 600 San Jose, CA 95110

Telephone:

(408) 975-7500

Facsimile:

(408) 975-7501

Customer No. 36806

#### CERTIFICATE OF TRANSMISSION/MAILING

1 L Bennten

I hereby certify that this paper is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 11, 2005.

Thea K. Wagner

PTO/SB/08A (08-03)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO		Complete if Known			
Substitute for ionin	144 8/P ( O	Application Number 10/764,010			
	INFORMATION DISCLOSURE		January 22, 2004		
			Philipp LANG		
STATEMENT BY APPLICANT (Use as many shoots as necessary)		Art Unit	3762		
		Examiner Name	(Not yet assigned)		
Shoot	of	Attorney Docket Number	13309/5		

				DOCUMENTS	Donn Columns Lines Money
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (F known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	<del>                                     </del>	US- 4,631,676	12-23-1986	Pugh	
		<sup>US-</sup> 5,206,023	04-27-1993	Hunziker	
		US- 5,291,401	03-01-1994	Robinson	
		US- 5,961,454	10-05-1999	Kooy et al.	
		US-			
		US-			
	<u> </u>	U\$-			
		US-			
		US-			
	1	US-			
	<u> </u>	US-			
		U\$-			
		US-			
		US-			
	-	US-			
	<del>                                     </del>	US-			
		US-			
	†	U\$-			
	<del>                                     </del>	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Cité Initials No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages		
		Country Code <sup>3</sup> "Number <sup>4</sup> " Kind Codo <sup>6</sup> (# known)	MM-DD-YYYY		Or Relevant Figures Appear	<u> </u>
	<u> </u>					┝
		· · · · · · · · · · · · · · · · · · ·				t
						Ĺ
						Г

	 The state of the s	<del></del>
Examiner	Date	
Signature	Considered	

\*EXAMINER: Initial if reference considered, whether of not citation is in conformance with MPEP 609. Draw fine through citation if not in conformance and not considered, include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Potent Documents at <a href="https://www.usgto.gov">www.usgto.gov</a> or <a href="https://www.usgto.gov">https://www.usgto.gov</a> or <a href=

the appropriate symbols as indicated in the document under VIPO standard \$1.16 it possible. Applicant is to place a creek mark refer it angular translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Contidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any command on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DNOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.